

Remarks

Restriction Requirement

The Office alleges that two distinct inventions are contained in this application, namely:

- I Claims 1-18, and 30-33, drawn to a method of preparing a cell concentrate,
- II Claims 19-29, and 34, drawn to a method for preserving cells in a frozen state.

The Office further alleges that three distinct species of generic inventions, regarding the invention of Group I, are contained in this application, namely:

The filter is:

- a) a non-woven fabric (claim 14),
- b) a sponge (claim 16),
- c) a combination of a non-woven fabric and a sponge (claim 18).

Election with Traverse

In response to the Restriction Requirement, Applicants elect Group I, i.e., claims 1-18 and 30-33, with traverse. Applicants further elect species a), a non-woven fabric, with traverse.


Applicants' traversal is based upon the fact that the Office has failed to establish a lack of unity of invention. Applicants note that this application was filed under 35 U.S.C. § 371, and unity of invention rules apply. To establish a lack of unity of invention, the Office is required to show how the claims fail to share a corresponding special technical feature, which distinguishes the claims from the prior art. Applicants note that claims 19 and 21-29 are dependent upon claim 1, and require all of the elements of claim 1, and therefore must share at least those special technical features that claim 1 includes. Applicants respectfully submit that at least with regard to claims 19 and 21-29, unity of invention *cannot* be found lacking, and respectfully request the Office withdraw the restriction at least with regard to these claims.

With regard to the election of species requirement, Applicants respectfully note that the various types of filters are disclosed as examples of the present invention. Applicants submit that there is no basis under unity of invention rules to separate species based upon theories of independence or distinctness, as the Office Action does. Applicants respectfully request withdrawal of the election of species requirement as well.

Applicants hereby authorize the charging of any required fees necessary for consideration of this paper to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,
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